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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,099	09/21/2001	Sven Jacobsen	K&W 353-WCG WW 5594US/SO	5994

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 01/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,099

Applicant(s)

JACOBSEN ET AL.

Examiner

D. S. Nakarani

Art Unit

1773

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5 & 6</u> | 6) <input type="checkbox"/> Other: |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 20, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 10, the word "maim" should read -- main --.

Claim 20, line 2, the word "propylene" should read -- polypropylene -- since propylene is a monomer.

Claim 24, line 4, the word "or" renders Markush group improper. Changing the word "or" to the word -- and -- may overcome the rejection.

Claim 25, line 2, "an ionomer" lacks clear antecedent basis. No ionomer has been previously recited in claim 24 therefore limitation cannot be understood.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

4. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-9, 11, 12, 14, 18-20, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawada et al (U.S. Patent 5, 112,673).

Sawada et al disclose a multi-layer film comprising a protective layer (B) which can be a single layer or, two or more layers coated on one side with a silicon oxide layer (col. 4 lines 44-49), bonded to a core layer (A) comprising polyvinyl alcohol coated one or both side with silicon oxide layer (col. 3 line 15 to col. 4 line 21). The adhesive for bonding layers is urethanes resin, acrylic resin, polyesters etc. (col. 4 lines 19-21. The polymers of protective layer (B) are polypropylene, polyethylene, propylene copolymers, polyethylene terephthalate etc (col. 4 lines 35-39). Sawada et al. disclose a sealant layer (C) on the side of core layer opposite to the protective layer (B). The polymers of the sealant layer include low density polyethylene, ethylene-vinyl acetate copolymer, polypropylene, ethylene/acrylate copolymer (ionomers) etc (col. 4 line 56 to col. 5 line 6). The thickness of silicon oxide layer is from 100 to 5000 angstroms (i.e. 10 to 500 nanometers) (col. 4, lines 6-8).

7. Claims 1-14 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada et al (U.S. Patent 5,112,673) in view of Lofgren et al (U.S. Patent 5,122,410) and Matsuda et al (U. S. Patent 5,725,958).

Sawada et al which has been discussed above in paragraph 6 fail to disclose sandwiching a gas barrier layer or silicon oxide layer between two idencal polymer layer(s) such as polyester layer and also fail to disclose protective or carrier layer made of polyamide layer and coating carrier layer using aluminum or metal oxide layer.

Lofgren et al disclose bonding two carrier layers (2 and 4) coated with silicon oxide layer using an adhesive layer (6) (Fig. 2, col. 2 lines 54-68 and col. 4 lines 20-24). Lofgren et al's carrier layers can be polyethylene, polyester etc.

Matsuda et al disclose a plastic film coated with a metal oxide layer. Matsuda et al's plastic includes polypropylene, polyethylene, polyamide, polyvinyl alcohol, polyethylene terephthalate etc. (col. 3 lines 15-52)

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosure of Lofgren et al and Matsuda et al in the invention of Sawada et al to utilize polyamide polymer layer as carrier layer in form of single or multi-layer and coat with any metal oxide disclosed by Matsuda et al.

8. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Receipt of Information Disclosure Statement filed November 26, 2001 and February 25, 2002 is acknowledged. Non-English references recited on PTOL 1449 submitted with Information Disclosure Statement filed November 26, 2001 have been considered to the extent the description provided in the instant disclosure. Non-English references AB, AC, AF, AG and AH recited on PTOL 1449 submitted with the Information Disclosure Statement filed February 25, 2002 have been crossed-out. If applicants are desirous to make these references of record,

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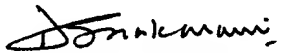
relevance or translation in English of these references with PTOL 1449 should be provided to this office.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D.S. Nakarani whose telephone number is 703-308-2413. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

D. S. Nakarani/mn
January 14, 2003


D. S. NAKARANI
PRIMARY EXAMINER